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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 OCEANCONNECT MARINE UK LTD.,

11 Plaintiff,

12 v.

13 M/V COREFORTUNE OL (IMO No. 9511014), its
14 engines, tackle and apparel, etc.

Defendant *IN REM*.

IN ADMIRALTY

No. 3:19-cv-06166

**[PROPOSED] ORDER APPOINTING
TRANSMARINE NAVIGATION
CORPORATION AS SUBSTITUTE
CUSTODIAN**

15 THIS MATTER came before this Court on Plaintiff OceanConnect Marine UK Ltd.’s
16 (“Plaintiff”) Motion to Appoint a Substitute Custodian. This Court has reviewed the files and
17 records herein, including specifically, Plaintiff’s Motion to Appoint a Substitute Custodian
18 and the Declaration of Cale Karrick.

19 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

20 1. That upon the seizure of the vessel, the M/V COREFORTUNE OL, IMO No.
21 9511014, its engines, tackle and other appurtenances (“the Vessel”) pursuant to the Warrant
22 of Arrest, the U.S. Marshal for the Western District of Washington is authorized and directed
23 to surrender custody of the Vessel to Transmarine Navigation Corporation as substitute

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{29318-00567761;1}

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1 custodian herein, and that upon such surrender, the Marshal shall be discharged from his/her
2 duties and responsibilities for the safekeeping of the Vessel and held harmless from any and
3 all claims arising out of said custodial services.

4 2. That Transmarine Navigation Corporation, as substitute custodian, shall see to
5 and be responsible for the safekeeping of the Vessel. The duties of the substitute custodian
6 shall include, but are not limited to, ensuring that there is adequate, safe moorage for the
7 Vessel. The substitute custodian is not required to have a person live on board the Vessel,
8 but an officer or authorized agent of the substitute custodian shall go on board the Vessel,
9 from time to time to carry out the duties of substitute custodian. No other person shall be
10 allowed to enter on the Vessel except as provided for herein or as otherwise expressly
11 authorized by order of this Court.

12 3. That the Vessel may be moved by tug or other safe means from its present
13 moorage to adequate, safe moorage at another suitable location within the waters of this
14 District. The substitute custodian shall notify the office of the U.S. Marshal that the Vessel is
15 to be moved and shall again notify the office of the U.S. Marshal when the Vessel has been
16 moved. Once the Vessel has been moved, the Vessel shall not be moved again without
17 further order of the Court.

18 4. That Transmarine Navigation Corporation, as substitute custodian, may allow
19 vessel movement(s) and/or normal operations, as needed, within the waters of this District.
20 In permitting such movements and/or operations, the substitute custodian shall notify the
21 office of the U.S. Marshal prior to engaging in any such movement and/or operations and
22 again upon completion of such movement and/or operations. Normal vessel operations
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1 include but are not limited to (1) loading and/or offloading of any cargo, and (2) storage of
2 cargo at a suitable facility.

3 5. That Transmarine Navigation Corporation, as substitute custodian, may if
4 necessary offload any fuel and arrange for disposal of the same. The substitute custodian
5 shall notify the office of the U.S. Marshal prior to engaging in any such offloading and again
6 upon the completion of any such offloading.

7 6. That Transmarine Navigation Corporation as substitute custodian, may, but is
8 not required to, retain a marine engineer familiar with the Vessel and to take him or her on
9 board the Vessel with authorized agents of Transmarine Navigation Corporation to assist in
10 securing the Vessel.

11 7. That Transmarine Navigation Corporation, as substitute custodian may, but is
12 not required to, remove those pieces of electronic equipment on board the Vessel, if any,
13 which may be easily removed without damage to the Vessel, and that such removed
14 electronic equipment shall be stored in a safe, secure storage pending further Order of this
15 Court.

16 8. That Transmarine Navigation Corporation as substitute custodian may but is
17 not required to retain such services as are necessary to clean the interior and/or exterior of the
18 Vessel and/or remove food products with such services to be performed under the
19 supervision of the substitute custodian.

20 9. That Plaintiff shall arrange to pay charges for moorage of the Vessel and the
21 fees and costs of the substitute custodian and shall reimburse the substitute custodian for such
22 other costs as may be incurred in conduction of the inventory of the equipment on board, in
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1 securing the Vessel, in having the Vessel cleaned, in moving the Vessel, and/or in offloading
2 any cargo from the Vessel.

3 10. That subject to final approval by the Court, all fees, costs, and expenses
4 incurred by Plaintiff or the substitute custodian pursuant to the terms of this Order shall be
5 deemed administrative expenses of the U.S. Marshal.

6 11. That Plaintiff's attorney shall send a copy of this Order to the owner of the
7 Vessel at the last address known by Plaintiff, and to the address shown on the record of the
8 U.S. Coast Guard by Certified Mail, Return Receipt Requested.

9 IT IS FURTHER ORDERED THAT all crew members shall remain on board the
10 Vessel and continue to operate and maintain all ship systems pending further order of this
11 Court.

12 It is further requested that the Clerk of this Court deliver three certified copies of this
13 order to the United States Marshal forthwith.

14 DATED this ____ day of December, 2019.

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UNITED STATES DISTRICT COURT JUDGE

17 Presented by:

18 LE GROS BUCHANAN & PAUL

19 s/ Eric R. McVittie

20 s/ Mary C. Butler

Eric R. McVittie, WSBA #20538

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